

# MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H   L E G I S L A T U R E

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Legislative Document

No. 1464

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S. P. 549

In Senate, April 21, 1953.

Reported by Senator Reid of Kennebec from Committee on Judiciary and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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**AN ACT Authorizing Appointment of Special Guardian.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 145, § 1, amended.** Section 1 of chapter 145 of the revised statutes is hereby amended to read as follows:

'**Sec. 1. Appointment of guardians; when judge interested.** The judge of probate may appoint guardians to minors resident in his county, or out of the state and having estate in his county; but no executor or administrator on an estate shall be guardian **or special guardian** to a minor interested therein, unless he is the parent of such minor or is nominated as such guardian in the will of which he is an executor; but when any judge is interested, either in his own right, in trust, or in any other manner, or is within the 6th degree of kindred, such appointment shall be made by a judge in any adjoining county, and the record of said appointment shall show why it was so made.'

**Sec. 2. R. S., c. 145, § 12, amended.** The 1st paragraph of section 12 of chapter 145 of the revised statutes is hereby amended to read as follows:

'Every guardian **or special guardian**, appointed for a minor or other person, shall give bond to the judge of probate in such sum and with such

sureties, resident in the state, or with a surety company authorized to do business in the state, as surety, as the judge accepts, conditioned as follows:'

**Sec. 3. R. S., c. 145, § 29-A, additional.** Chapter 145 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 29-A, to read as follows:

**'Sec. 29-A. Special guardian for minor or adult.** When a petition is pending for the appointment of a guardian for a minor or for an adult, the judge of probate authorized by law to make such appointment, in his discretion, may, at any time and without notice, appoint a special guardian who shall have the same powers and perform the same duties with respect to the estate of the ward as a guardian appointed under the provisions of this chapter.'